

Jefferson City Board of Adjustment

December 8, 2015

**Case No. B15008
City of Jefferson
2104 Industrial Drive**

Side Setback Variance

STAFF REPORT
BOARD OF ADJUSTMENT – CITY OF JEFFERSON, MISSOURI
December 8, 2015

Case No. B15008 – 2104 Industrial Drive; Side Setback Variance. Application filed by City of Jefferson, property owner, for a 7.6 feet variance from the side setback requirement of 10 feet to allow the property to be split and the existing structure to have a setback of 2.4 feet from the new property line. The property is located on the north side of Industrial Drive 1000 feet west of Dix Road and is described as part of the SE Quarter of Section 2, Township 44 North, Range 12 West, Jefferson City, Missouri.

PUBLIC NOTICE

By publication in the newspaper, letter to adjacent and affected property owners within 185 feet, and by property sign posting.

NATURE OF REQUEST

This property consists of old Fire State #3, which is no longer in service after the construction of the new fire station on Rock Hill Road/Highway 179. The building and front portion of the property have been offered for sale and the City is in final negotiations regarding this sale. In order to accommodate the sale, the City plans to divide the property into two tracts, with the rear portion of the property remaining in City ownership and the front portion of the property being sold. The rear tract would be connected to Industrial Drive via a 35 feet wide strip of property along the western property line. The 35' wide strip of property would be within 2.4 feet of the corner of the existing fire station building, which is less than the required 10 feet side setback of the C-1 zoning district. In order to accommodate the property division and remove any title issues associated with the reduced setback for the future property owner, the City is requesting a side setback variance.

ZONING AND SURROUNDING LAND USE

The subject property is zoned C-1 Neighborhood Commercial.

	Surrounding Zoning	Surrounding Uses
North	RS-3	Single Family Residential
South	M-2	Church
East	RS-3	Single Family Residential
West	C-O	Office Building

STAFF ANALYSIS

There are no construction plans associated with the variance request. The request is filed in order to accommodate a split of the property and allow the City to retain street frontage for the rear portion of the property. The 35 feet wide strip of property that would serve as access to the rear tract is surveyed along an existing driveway that also serves as access to the rear of the old fire station building. An easement would be granted along the 35' strip of property to the future owner of the front tract to serve as access to the rear of the existing building.

With the 35 feet strip of property having a shared use through the granting of the access easement, any negative effects associated with the granting of a setback variance from a property line associated with the strip of property are largely negated.

FINDINGS REQUIRED

Please refer to the handout provided for the required General Findings and Specific Findings. The applicant has provided responses to the required findings. In reviewing this case, the Board may wish to consider the following questions:

1. Are there any practical difficulties unique to this property which under strict and literal adherence to the provisions of the zoning regulations would cause the applicant an unnecessary hardship?
2. Would the appearance and value of surrounding properties be damaged if the variance is granted?

Finding	Yes	No	Comments
Not eliminate an adequate supply of light or air to adjacent property.	X		The adjacent strip of property would be used only for access to the rear tract. Light and air needs are minimal and the variance would not change the existing arrangement of the driveway and building.
Not substantially increase congestion in the public street.	X		The requested variance would not increase congestion on the street.
Not increase the danger of fire or endanger the safety of the public.	X		The requested variance would have no effect on safety and would accommodate access needs for both tracts.
Not be unduly injurious to the use and enjoyment of adjacent property.	X		The adjacent strip of property would be used for access purposes only and the variance would not affect the ability to use the property for that purpose.
Not substantially diminish property values in the neighborhood.	X		The variance would accommodate a split of the property with no change to the existing arrangement of building and driveway. Effects on surrounding property values should be minimal.
Be in keeping with the general spirit and intent of the zoning code.	X		The requested variance would accommodate an existing situation, and an access easement across the property adjacent to the setback variance would largely negate any negative impacts from the variance.

STAFF RECOMMENDATION

The required findings appear to be met. The setback variance is requested in order to accommodate a split of the property, with no changes to the existing arrangement of building and driveway. An access easement across the property adjacent to the requested setback variance largely negates any negative impacts associated with the reduced setback.

FORM OF MOTION

Motion to approve a variance of 7.6 feet from the side setback requirement of the C-1 district of 10 feet to allow a side setback of 2.4 feet.

VARIANCE DENSITY AND DIMENSIONAL STANDARDS

GENERAL FINDINGS 35-73.B.4.(b):

Before granting any variance, the Board **shall** find the proposed variance, if granted, would:

		YES	NO
1.	Not eliminate an adequate supply of light or air to adjacent property, substantially increase congestion in the public street, increase the danger of fire, or endanger the safety of the public; and		
2.	Not be unduly injurious to the use and enjoyment of adjacent property nor would it substantially diminish property values in the neighborhood; and		
3.	Be in keeping with the general spirit and intent of this chapter.		

SPECIFIC FINDING 35-73.B.4.(c):

In addition to the general findings, the Board **shall** also find:

		YES	NO
1.	That there are practical difficulties associated with the premises which under strict and literal adherence to the provisions of this chapter would cause the applicant an unnecessary hardship.		
DEFINITIONS: Practical Difficulties. The term may include, but not necessarily be limited to difficulties caused by parcel size, shape, narrowness, shallowness, topography, physical surroundings or other special circumstance, and the special circumstance is peculiar to the premises and does not generally apply to other lands in similar zoning districts in the city and, further, the circumstance would prevent the applicant from using or developing the property in a manner equivalent to the use or development occurring on neighboring properties in the same zoning district. Unnecessary hardship. A hardship which is unnecessary in the sense that the preservation of the spirit and intent of this chapter does not depend on the denial of the variance.			

EXTENT OF VARIANCE LIMITED 35-73.B.5.(a)

A variance, if granted, shall be limited to the minimum variance necessary to resolve, in whole or in part, the particular problem of the applicant.

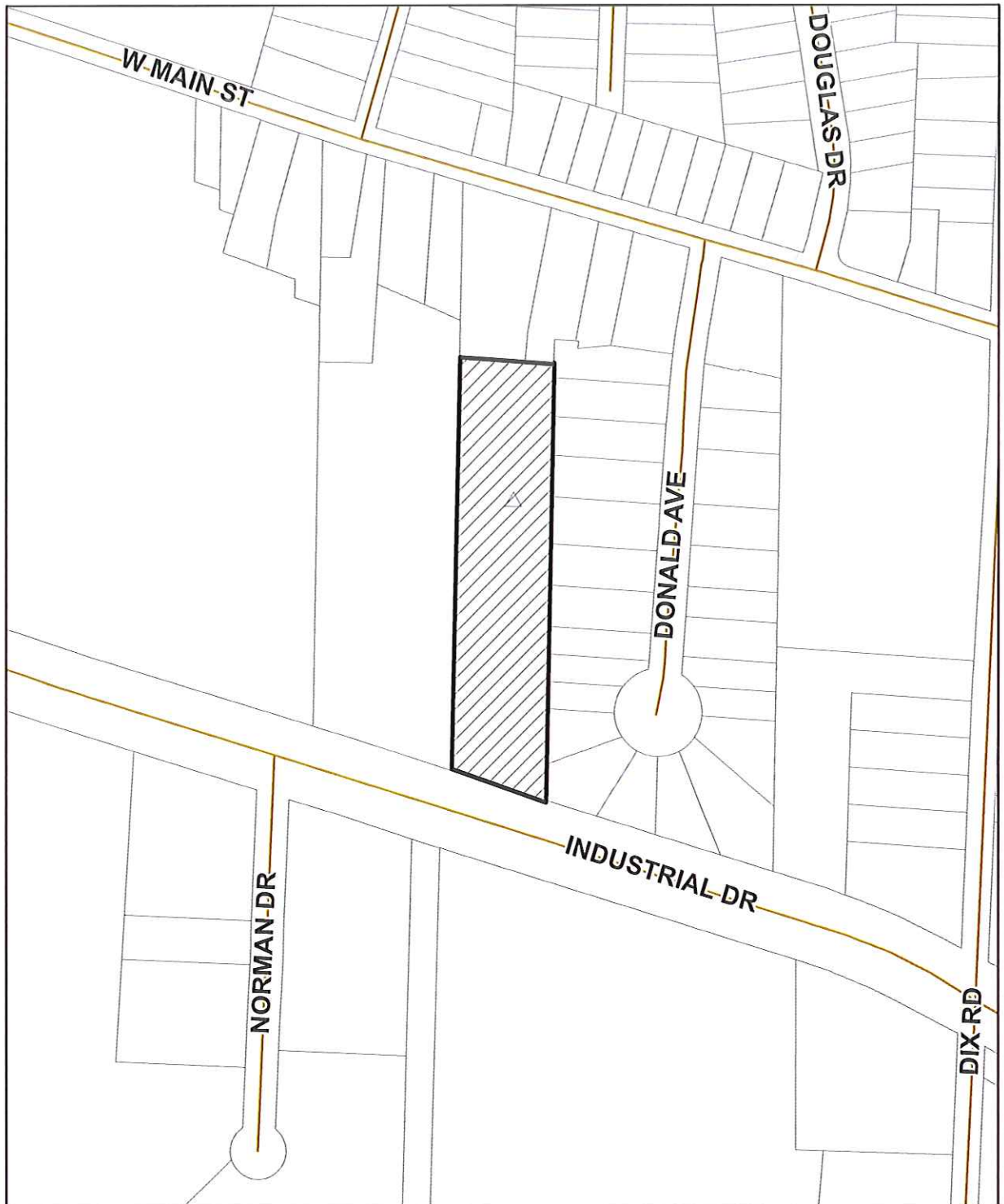
CONDITIONS 35-73.B.5.(c)

In granting a variance, the Board may impose such conditions upon the premises receiving the variance as may be necessary to ensure that the variance will not:

		YES	NO
1.	Be unduly injurious to the use and enjoyment of other property in the immediate vicinity.		
2.	Have a significant adverse affect on property values in the neighborhood.		
3.	Endanger or be detrimental to the public health, safety or general welfare of the citizens of the city.		

City of Jefferson Board of Adjustment

VICINITY



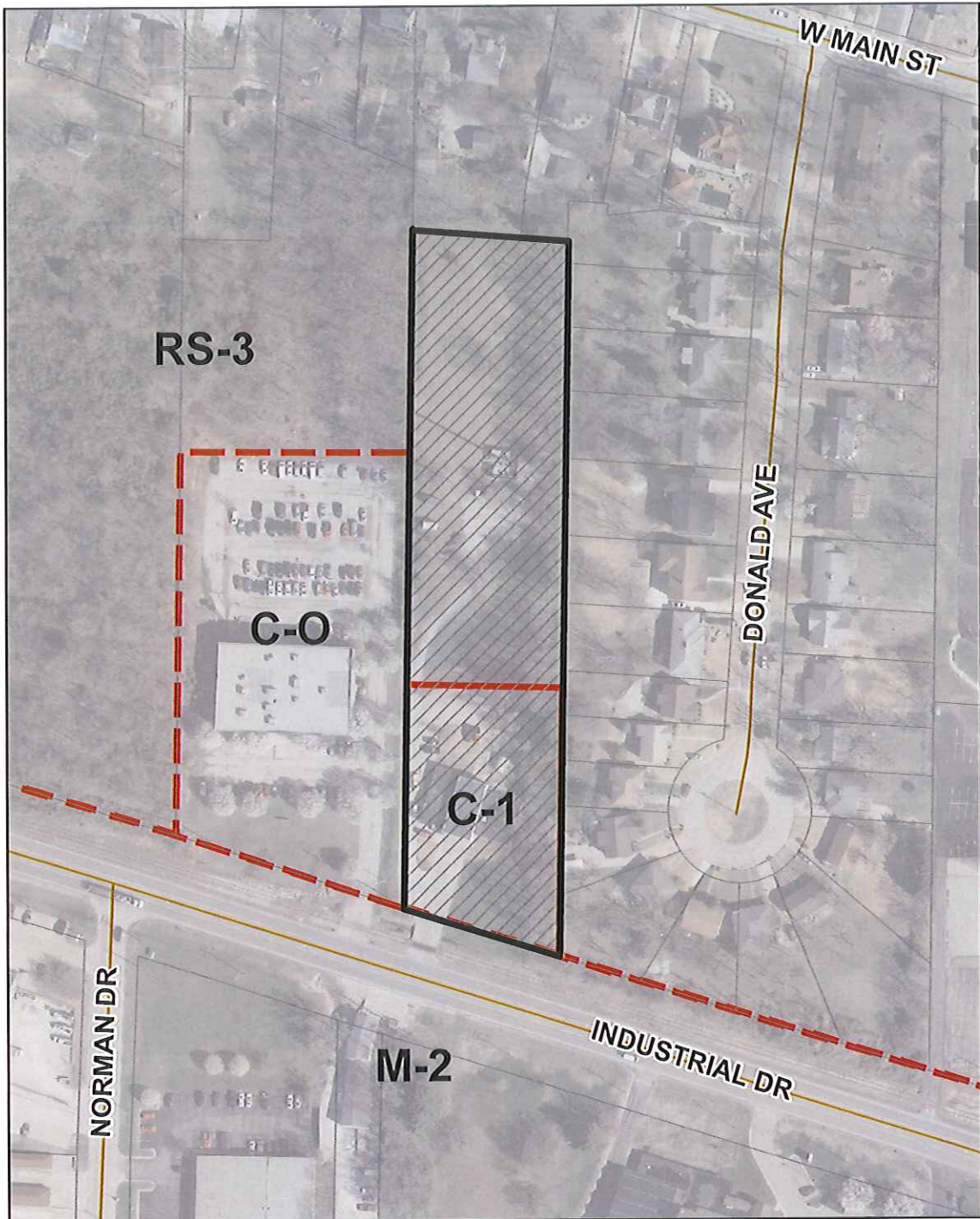
Case No. B15008
Side Setback Variance
2104 Industrial Dr.

0 95 190 380 Feet



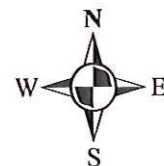
City of Jefferson Board of Adjustment

LOCATION MAP



Case No. B15008
Side Setback Variance
2104 Industrial Dr.

0 65 130 260 Feet





City of Jefferson
Department of Planning & Protective Services
320 E. McCarty Street
Jefferson City, MO 65101
Phone: 573-634-6410
jcplanning@jeffcitymo.org
www.jeffersoncitymo.gov

Date filed:

APPLICATION TO THE BOARD OF ADJUSTMENT

1. The undersigned hereby request(s) the following:
☐ Appeal (Section 35-73C)
☐ Conditional Use Permit (Section 35-73A; Section 35-71, Site Plan)
☒ Variance (Section 35-73B; Section 35-71, Site Plan)
☐ Chapter 3, Advertising and Signs: Conditional Use Sign Permit
☐ Chapter 8, Article V, Flood Hazard Regulations; Variance to Flood Hazard Regulations
☐ Other (including Interpretations; please describe in #2 below)
2. Describe exactly the type of project proposed or what is being requested and the purpose of the request. Cite affected Section numbers if known (or attach separate sheet).

Side setback variance of 7.6 feet so that property can be split and existing building can sit 2.4 feet from new property line.

3. The application is filed for the following described real estate: (the correct legal description of the property must be printed below or attached to this application).

A. *Street Address:* 2104 Industrial Drive

B. *Property Description:* See attached.

4. A site plan in accordance with Section 35-71 is required for conditional use permits and variance applications. A "sketch" site plan may be required for other applications such as conditional use sign applications. A check in the amount of \$210.00* payable to the "City of Jefferson" for the application filing fee must be attached to this application. *Revised June 30, 2015.
5. Variance applicants must complete the attached Variance Affidavit. Each question must be answered and the affidavit must be signed by the applicant(s) and notarized.
6. The undersigned certify to be all of the owner(s) of the above described property. (All owners of this property must sign and the signatures must be notarized).

Steven S. Crowell, Jr., City Administrator

Property Owner Name (type or print)

Property Owner Signature

Property Owner Name (type or print)

Property Owner Signature

Subscribed and sworn before me this _____ day of _____, _____.

Notary Public

Applicant (if different from property owner):

Name	
Mailing Address	
Phone Number	

Specific information may be required depending upon type of application. Please refer to the appropriate Chapter. Other permits, including building permits and sign permits may be required in addition to Board actions. Please seek advice of City staff or your consultant, if applicable.

Individuals should contact the ADA Coordinator at (573) 634-6570 to request accommodations or alternative formats as required under the Americans with Disabilities Act. Please allow three business days to process the request.

City of Jefferson

City Initiated Variance Request

Property Address: 2104 Industrial Drive
(Currently Owned by City of Jefferson)

Request: Setback Variance of 7.6 feet

Case No: B15008

Staff Contact: Eric Barron, Senior Planner
573-634-6419

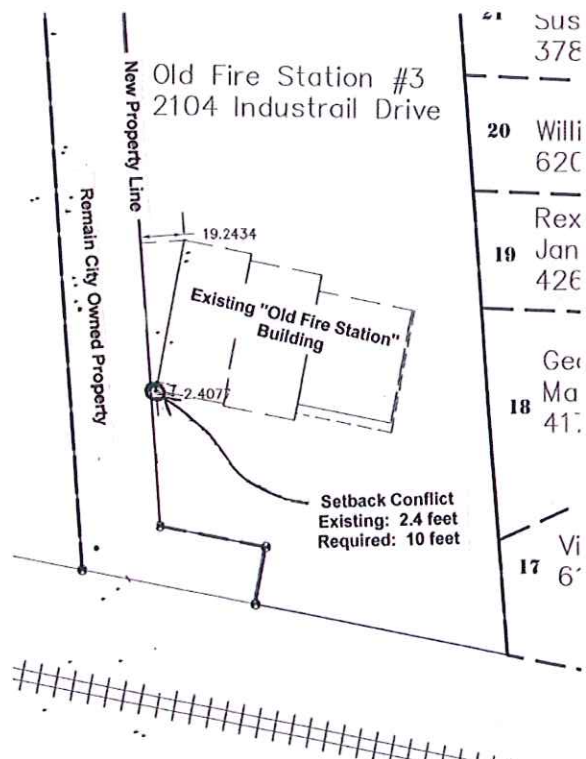


Summary of Request:

This is a City initiated request to the Board of Adjustment for a setback variance. The purpose of the request is to accommodate the sale of the front portion of the property from the City to a private entity and the conversion of the former fire station structure to a commercial use.

The City plans to divide the property into two lots, with the rear portion of the property remaining in City ownership and the front portion of the property being sold. A 35 feet wide strip of ground along the western side of the property would remain in City ownership to serve as access and meet street frontage requirements for the rear lot. While an access easement across this 35' strip of property would be granted to the owner of the front lot, the property line would be within 2.4 feet of the existing "old fire station" building, which is in conflict with the side setback requirement of the C-1 zoning district of 10 feet.

In order to accommodate the property division and remove any title issues associated with the reduced setback for the new property owner, the City is requesting a side setback variance.



City of Jefferson

Department of Planning & Protective Services
320 E. McCarty St.
Jefferson City, MO 65101



Carrie Tergin, Mayor

Janice McMillan, AICP, Director
Phone: 573-634-6410
Fax: 573-634-6562

November 24, 2015

Dear Property Owner:

This letter is to notify you that the Jefferson City Board of Adjustment will meet at 7:30 a.m. on the morning of Tuesday, December 8, 2015 in the Council Chambers of the John G. Christy Municipal Building, 320 E. McCarty Street, to consider the following item of business:

Case No. B15008 – 2104 Industrial Drive; Side Setback Variance. Application filed by City of Jefferson, property owner, for a 7.6 feet variance from the side setback requirement of 10 feet to allow the property to be split and the existing structure to have a setback of 2.4 feet from the new property line. The property is located on the north side of Industrial Drive 1000 feet west of Dix Road and is described as part of the SE Quarter of Section 2, Township 44 North, Range 12 West, Jefferson City, Missouri.

As an adjoining landowner and/or neighbor, you have the privilege of attending this hearing. Unfortunately, we are unable to record comments received by telephone, but written comments will be made part of the official record. Written comments may be directed to the Board of Adjustment in one of the following ways:

e-mail: jcplanning@jeffersoncitymo.gov

fax: Department of Planning & Protective Services, Planning Division, 573-634-6457

mail: Department of Planning & Protective Services / Planning Division

John G. Christy Municipal Building, 320 E. McCarty Street, Jefferson City, MO 65101

Written comments must be received before 5:00 p.m. Monday, December 7, 2015 and will be copied and distributed to Board members at the meeting. Correspondence and other items received at the time of the meeting will be included in the official record, but may be delivered to the Chairman only; there is no guarantee that copies will be made for distribution to all Board members. Interested parties who are unable to provide written comment in advance are invited to deliver their comments to the Board Chairman at the time of the meeting.

Information regarding this case may be viewed on the Board of Adjustment webpage at:

<http://www.jeffersoncitymo.gov/pps/planning/boardofadjustment.html>

If you have any questions concerning this matter, please feel free to contact me at 573-634-6475.

Sincerely,

Eric Barron

Eric Barron, AICP
Senior Planner

Individuals should contact the ADA Coordinator at (573) 634-6570 to request accommodations or alternative formats as required under the Americans with Disabilities Act. Please allow three business days to process the request.

FOX, WENDY
205 DONALD AVE
JEFFERSON CITY, MO 65109
205 DONALD AVE

KUTSCHER, RICHARD G
207 DONALD AVE
JEFFERSON CITY, MO 65109
207 DONALD AVE

SCHEDLER, SARAH M
209 DONALD AVE
JEFFERSON CITY, MO 65109
209 DONALD AVE

MUCK, OSCAR W JR & JUANITA E
211 DONALD AVE
JEFFERSON CITY, MO 65109
211 DONALD AVE

KRUEGER, SARAH
213 DONALD AVE
JEFFERSON CITY, MO 65109
213 DONALD AVE

AZAR, MICHAEL & JENNIFER
215 DONALD AVE
JEFFERSON CITY, MO 65109
215 DONALD AVE

VOLMERT, GINA MARIE
2023 W MAIN ST
JEFFERSON CITY, MO 65109
2023 W MAIN ST

KINCHELOE, DUNCAN E III &
LUCIA ERIKSON
2027 W MAIN ST
JEFFERSON CITY, MO 65109
2027 W MAIN ST

DEAGLE, DAVID A SR & NORMA J
2031 W MAIN ST
JEFFERSON CITY, MO 65109
2031 W MAIN ST

RICE, CATHERINE
108 DONALD AVE
JEFFERSON CITY, MO 65109
108 DONALD AVE

BERLENER, LEIGH ANNE
112 DONALD AVE
JEFFERSON CITY, MO 65109
112 DONALD AVE

RACKERS, JANE
114 DONALD AVE
JEFFERSON CITY, MO 65109
114 DONALD AVE

ENGELBY, JOY LYNN
ENGELBY, JERRY D
ENGELBY, ROGER A
116 DONALD AVE
JEFFERSON CITY, MO 65109
116 DONALD AVE

WARREN, JACK LEE & VICKI C
120 DONALD AVE
JEFFERSON CITY, MO 65109
120 DONALD AVE

HAMBLIN, ELIZABETH
202 DONALD AVE
JEFFERSON CITY, MO 65109
202 DONALD AVE

OWENS, REX B & JANELL K
TRUSTEES
405 CRYSTAL VIEW TER
JEFFERSON CITY, MO 65109
204 DONALD AVE

FAERBER, SUSAN R
206 DONALD AVE
JEFFERSON CITY, MO 65109-0944
206 DONALD AVE

WILLIBRAND PROPERTIES L L C
PO BOX 128
WESTPHALIA, MO 65085
208 DONALD AVE

BLANCHARD, WARREN & TERESA
2041 W MAIN ST
JEFFERSON CITY, MO 65109
2041 W MAIN ST

OWENS, REX B & JANELL K, TRUSTEES
405 CRYSTAL VIEW TER
JEFFERSON CITY, MO 65109
210 DONALD AVE

MASTERS, WILLIAM E
2043 W MAIN ST
JEFFERSON CITY, MO 65109
2043 W MAIN ST

HODGE, GEORGE W & MARCELLA C
212 DONALD AVE
JEFFERSON CITY, MO 65109
212 DONALD AVE

HOWERTON, RICHARD A
PROPERTIES & DEVELOPMENT INC
PO BOX 574
JEFFERSON CITY, MO 65102
2112 INDUSTRIAL DR

SPINNER, VICTORIA
214 DONALD AVE
JEFFERSON CITY, MO 65109
214 DONALD AVE

PHILLIPS, HOMER L JR
2045 W MAIN ST
JEFFERSON CITY, MO 65109
2045 W MAIN ST

NOLL, EDITH
TRUSTEE
216 DONALD AVE
JEFFERSON CITY, MO 65109
216 DONALD AVE

FAITH LUTHERN CHURCH
2027 INDUSTRIAL DR
JEFFERSON CITY, MO 65109
2027 INDUSTRIAL DR

CITY OF JEFFERSON
FIRE DEPT STATION 3
320 E MCCARTY ST
JEFFERSON CITY, MO 65101
2104 INDUSTRIAL DR (*Subject Property*)

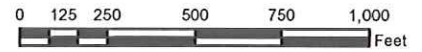
JAMPAM L L C
10706 MARINA RD
JEFFERSON CITY, MO 65101
2105 INDUSTRIAL DR

AMERICAN TOWER CORP
% PROPERTY TAX
SITE #93023
P.O. BOX 723597
ATLANTA, GA 31139
2104 INDUSTRIAL DR

F & F DEVELOPMENT L L C
% FEDERAL EXPRESS CORPORATION
3965 AIRWAYS BLVD
TAX DEPT
MEMPHIS, TN 38116
303 NORMAN DR

JONES, ROBERT E & VICTORIA L
2033 W MAIN ST
JEFFERSON CITY, MO 65109
2033 W MAIN ST

Case No. B15008
Side Setback Variance
2104 Industrial Dr.



185 ft. Notification Buffer

